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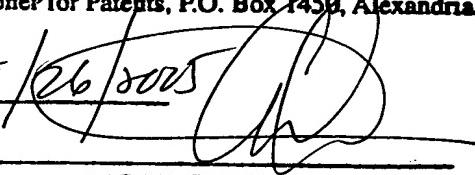
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: :
Christine ENGEL et al. :
For: THERMOELECTRIC COMPONENT :
Filed: July 17, 2002 : Art Unit: 2859
Serial No.: 10/069,680 :

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Date: 8/26/2005

Signature: 

AARON C. DEENIGH
(33,865)

APPEAL BRIEF TRANSMITTAL AND PETITION TO EXTEND

SIR:

Accompanying this Appeal Brief Transmittal is an Appeal Brief pursuant to 37 C.F.R. § 41.37 **in triplicate** as a courtesy (even though not required) for filing in the above-identified patent application.

This is also a **Petition To Extend** Under 37 C.F.R. § 1.136(a) to extend the two-month response date by one (1) month from the two-month date of July 31, 2005 to August 31, 2005 (Appellants mailed a Notice Of Appeal on May 31, 2005, so that the nominal two-month appeal brief due date is July 31, 2005).

Please charge the appropriate fees of \$620.00, which includes the Appeal Brief fee under 37 C.F.R. § 1.17(c) (which is believed to be \$500.00) and the Rule 136(a) extension fee (which is believed to be \$120.00 for a one-month extension), to Deposit Account No. 11-0600. The Commissioner is also authorized, as necessary and/or appropriate, to charge any additional and appropriate fees, including any further Rule 136(a) extension fees, or credit any overpayment to Deposit Account No. 11-0600. Two duplicate copies of this transmittal are enclosed for that purpose.

Respectfully submitted,

By: 

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Dated: 8/26/2005

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[10191/2217]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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on

Date: 8/26/2005

Signature: AARON C. DEDIFCH

(33,865)

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

SIR:

In the above-identified patent application ("the present application"), Appellants mailed a Notice Of Appeal on May 31, 2005 from the Final Office Action issued by the U.S. Patent and Trademark Office on January 31, 2005, so that the two-month appeal brief due date is July 31, 2005, which is extended by one month from July 31, 2005 to August 31, 2005 by the accompanying Transmittal And Petition To Extend.

In the Final Office Action, claims 14 to 19, 21 and 24 to 29 were finally rejected.

A Response After A Final Office Action was mailed on March 30, 2005, and an Advisory Action was mailed on April 25, 2005. There were no amendments in the response after final. It is believed that all amendments made prior to the Final Office Action have been entered.

As to the length of the "concise explanation" of the subject matter defined in each of the claims involved in the appeal (see 41.37), the "concise explanation" language is like the "concise explanation" requirement of former Rule 37 CFR 1.192. Accordingly, the

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length of the concise explanation provided is therefore acceptable, since it would have been acceptable under 37 CFR 1.192 and since it specifically defines the subject matter of the independent claims involved in the appeal. In the filing of many appeal briefs under the old rule for the present Assignee, the length of the "concise explanation" has always been accepted by the Patent Office.

It is therefore respectfully submitted that this Appeal Brief complies with 37 § C.F.R. 41.37. Although no longer required by the rules, this Brief is submitted in triplicate as a courtesy to the Appeals Board.

It is respectfully submitted that the final rejections of claims 14 to 19, 21, and 24 to 29 should be reversed for the reasons set forth below.

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1. REAL PARTY IN INTEREST

The real party in interest in the present appeal is Robert Bosch GmbH (“Robert Bosch”) of Stuttgart in the Federal Republic of Germany. Robert Bosch is the assignee of the entire right, title and interest in the present application.

2. RELATED APPEALS AND INTERFERENCES

There are no interferences or other appeals related to the present application, which “will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal”.

3. STATUS OF CLAIMS

Claims 1 to 13, 20, 22, and 23 were previously canceled.

A. Claims 14 to 18, 21 and 24 to 29 were finally rejected under 35 U.S.C. § 103(a) as obvious over British Patent No. 900774 to Siemens in view of Yajima et al., U.S. Patent No. 4,336,215 and Japanese Patent No. 2001226723 to Harada et al.

B. Claims 14 to 19, 21 and 29 were finally rejected as obvious under 35 U.S.C. § 103(a) over Bachman, U.S. Patent No. 2,981,775 in view of the “Yajima” and “Harada” references.

Appellants therefore appeal from the final rejections of claims 14 to 19, 21 and 24 to 29. A copy of all of the pending and appealed claims 14 to 19, 21 and 29 is attached hereto in the Claims Appendix.

4. STATUS OF AMENDMENTS

In response to the Final Office Action mailed on January 31, 2005, Appellants filed a Response After A Final Office Action (which contained no amendments), which was mailed on March 30, 2005. An Advisory Action was mailed on April 25, 2005. All Amendments prior to the Response After Final are believed to have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER

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The concise explanation of the summary of the claimed subject matter is as follows, as described in the context of the present application.

The presently claimed subject matter relates to a thermoelectric component. (See Specification, Page 1, line 1). In the context of the exemplary embodiments of the presently claimed subject matter, the thermoelectric component includes a first element and a second element. (See Specification, Page 3, lines 10 to 14) The first element and the second element are in contact with each other in an area of at least one contact point. (See Specification, Page 6, lines 5 to 7) The thermoelectric component also recites the feature that in at least one vicinity of the contact point, at least one of the first element and the second element includes a ceramic material, (See Specification, Page 4, lines 16 to 22) in which at least in one vicinity of the contact point, the ceramic material includes a filler of one of FeCr and FeCrNi. (See Specification, Page 4, lines 24 to 32 and Page 5, lines 30 to 36).

The presently claimed subject matter relates to a method as to a thermoelectric component. (See Specification, Page 1, line 1). In the context of the exemplary methods of the presently claimed subject matter, the method includes the features of providing a thermoelectric component (See Specification, Page 1, line 1), the thermoelectric component including a first element and a second element (See Specification, Page 3, lines 10 to 14), the first element and the second element arranged in contact with each other in an area of at least one contact point, at least in one vicinity of the contact point (See Specification, Page 6, lines 5 to 7), at least one of the first element and the second element including a ceramic material, (See Specification, Page 4, lines 16 to 24) in which the ceramic material includes a filler of one of FeCr and FeCrNi (See Specification, Page 4, lines 24 to 32 and Page 5, lines 30 to 36) , and arranging the thermoelectric component in one of a thermocouple configured to one of measure temperature (See Specification, Page 8, lines 9 to 11) and a Peltier element as one of a thermoelectric heating element and a cooling element (See Specification, Page 2, lines 30 to 34).

In summary, the presently claimed subject matter of claim 14 is to a thermoelectric component, including: a first element; and a second element; in which the first element and the second element are in contact with each other in an area of at least one contact point; and in which at least in one vicinity of the contact point, at least

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one of the first element and the second element includes a ceramic material, wherein at least in one vicinity of the contact point, the ceramic material includes a filler of one of FeCr and FeCrNi. (See claim 14).

The presently claimed subject matter of claim 29 is to a method, which includes providing a thermoelectric component, the thermoelectric component including a first element and a second element, the first element and the second element arranged in contact with each other in an area of at least one contact point, at least in one vicinity of the contact point, at least one of the first element and the second element including a ceramic material, in which the ceramic material includes a filler of one of FeCr and FeCrNi; and arranging the thermoelectric component in one of a thermocouple configured to one of measure temperature and a Peltier element as one of a thermoelectric heating element and a cooling element. (See claim 29).

Finally, the appealed claims include no means-plus-function language and no step-plus-function claims, so that 41.37(v) is satisfied as to its specific requirements for such claims, since none are present here. (The present application does not contain any step-plus-function claims because the method claims in the present application are not “step plus function” claims because they do not recite “a step for”, as required by the Federal Circuit and as stated in Section 2181 of the MPEP).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 14 to 18, 21 and 24 to 29 are obvious under 35 U.S.C. § 103(a) over British Patent No. 900774 to Siemens (the “Siemens” reference) in view of Yajima et al., U.S. Patent No. 4,336,215 (the “Yajima” reference) and Japanese Patent No. 2001226723 to Harada et al. (the “Harada” reference).

B. Whether claims 14 to 19, 21 and 29 are obvious under 35 U.S.C. § 103(a) over Bachman, U.S. Patent No. 2,981,775 (the “Bachman” reference) in view of the “Yajima” and “Harada” references.

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7. ARGUMENT

A. Claims 14 to 18, 21 and 24 to 29

The Rejections Under 35 U.S.C. § 103(a) That Claims 14 to 18, 21, and 24 to 29 Are Obvious Over “Siemens” in view of “Yajima” and “Harada”

Claims 14 to 18, 21 and 24 to 29

As to obviousness, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature and it must also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the “problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem”, Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

Also, to reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 14 includes the features of a first element and a second element, in which the first element and the second element are in contact with each other in an area of at least one contact point and wherein in at least one vicinity of the contact point, at least one of the first element and the second element includes a ceramic material, wherein at least in one vicinity of the contact point, the ceramic material includes a filler of one of FeCr and FeCrNi.

Claim 29, includes features like those of claim 14, except that it is to a method , which includes providing a thermoelectric component, the thermoelectric component including a first element and a second element, the first element and the second element arranged in contact with each other in an area of at least one contact point, at least in one vicinity of the contact point, at least one of the first element and the second element including a ceramic material, in which the ceramic material includes a filler of one of FeCr and FeCrNi.

The Office Actions to date essentially admit that the Siemens reference does not describe or even suggest the presence of any filler materials placed in a ceramic material, where the filler material is one of FeCr and FeCrNi. Similarly, Siemens does not provide a method pertaining to these filler materials.

The secondary Yajima reference does not cure the critical defects of the Siemens reference since the Yajima reference only refers to mixing ceramic materials with semi-inorganic block copolymers, for example oxides such as Al₂O, BeO, MgO, ZrO₂ or SiO₂, carbides, nitrides, borides, and silicides or ternary or higher compounds of these. (Col. 6, lines 44 to 52.) The Yajima reference refers to additives for adding to ceramic substrates, such as MgO, NiO for Al₂O₃, CaO and TiO₂ for ZrO₂, Al₂O₃ and Y₂O₃ for Si₃N₄, B, Si and C for SiC, Ni and WC for TiC , and ZrO₂ and CrB₂ for ZrB₂. (Col. 5, lines 11 to 15.) The Yajima reference simply does not disclose or suggest the presence of FeCr and FeCrNi, as provided for in the context of the claims.

The third-level Harada reference does not cure the critical defects of the Siemens and Yajima references. The Harada reference refers to a metallic porous body comprised of an alloy having a defined strength and resistance to corrosion. The Harada reference refers to a metallic (not ceramic) body which contains Fe and Cr and has a structure in which CR carbides or FeCr carbides are uniformly dispersed. The Harada reference does not disclose or suggest any relationship to a ceramic material as required in the claims of the present invention. It is respectfully submitted that Harada refers to FeCr and FeCr alloys that make up the metallic porous body, and therefore does not disclose or suggest FeCr or FeCr alloys used as a filler as required in the context of the presently claimed subject matter.

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As the combination of Siemens, Yajima, and Harada does not disclose or suggest the features of claim 14 (or claim 29, which includes features like those of claim 14), it is respectfully requested that the rejections of claim 14 (and claim 29) be reversed.

Claims 15 to 18, 21, and 24 to 28 depend from claim 14 and are therefore allowable for at least the same reasons as claim 14. Applicants therefore respectfully request reversal of the rejections to claims 15 to 18, 21 and 24 to 28.

Claim 29 includes features like those of claim 14, and is therefore allowable for the same reasons.

As further regards all of the obviousness rejections discussed herein, in rejecting a claim under 35 U.S.C. § 103(a), the *Office* bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Thus, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim element and it must also suggest combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)).

Moreover, the “problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem.” (See Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998)). It is respectfully submitted that, as discussed above, the references relied on, whether taken alone or combined, do not suggest in any way modifying or combining the

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references so as to provide the presently claimed subject matter for addressing the problems and/or providing the benefits discussed in the specification.

The cases of In re Fine, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), and In re Jones, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992), also make plain that the Final Office Action's assertions that it would have been obvious to modify the reference relied upon does not properly support a § 103 rejection. It is respectfully suggested that those cases make plain that the Final Office Action reflects a subjective "obvious to try" standard, and therefore does not reflect the proper evidence to support an obviousness rejection based on the references relied upon. In particular, the Court in the case of In re Fine stated that:

Instead, the Examiner relies on hindsight in reaching his obviousness determination. . . . **One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.**

In re Fine, 5 U.S.P.Q.2d at 1600 (citations omitted; emphasis added). Likewise, the Court in the case of In re Jones stated that:

Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. . . .

Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].

In re Jones, 21 U.S.P.Q.2d at 1943 & 1944 (citations omitted; italics in original).

That is exactly the case here since it is believed and respectfully submitted that the Office Action reflects hindsight, reconstruction and speculation, which these cases have indicated does not constitute evidence that will support a proper obviousness finding.

More recently, the Federal Circuit in the case of In re Kotzab has made plain that even if a claim concerns a "technologically simple concept" — which is not even the case here, there still must be some finding as to the "specific understanding or principle within the

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knowledge of a skilled artisan” that would motivate a person having no knowledge of the claimed subject matter to “make the combination in the manner claimed”, stating that:

In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as opposed to multiple sensors controlling multiple valves, is a technologically simple concept. *With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed.* In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper *prima facie* case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

(See In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Federal Circuit 2000) (italics added)). Here again, it is believed that there have been no such findings to establish that the features discussed above of the rejected claims are met by the reference relied upon. As referred to above, any review of the reference relied upon makes plain that it simply does not describe the features discussed above of the claims as now presented.

Thus, the proper evidence of obviousness must show why there is a suggestion as to the reference so as to provide the subject matter of the claims and its benefits.

In short, there is no evidence that the reference relied upon, whether taken alone or otherwise, would provide the features of the claims discussed above. It is therefore respectfully submitted that the claims are allowable for these reasons.

As further regards all of the obviousness rejections of the claims, it is respectfully submitted that not even a *prima facie* case has been made in the present case for obviousness, since the Office Actions to date never made any findings, such as, for example, regarding in any way whatsoever what a person having ordinary skill in the art would have been at the time the claimed subject matter of the present application was made. (See In re Rouffet, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998) (the “factual predicates underlying” a *prima facie* “obviousness determination include the scope and content of the prior art, the differences between the prior art and the claimed invention, and the level of ordinary skill in the art”)).

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It is respectfully submitted that the proper test for showing obviousness is what the “combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art”, and that the Patent Office must provide particular findings in this regard — the evidence for which does not include “broad conclusory statements standing alone”. (See In re Kotzab, 55 U.S.P.Q. 2d 1313, 1317 (Fed. Cir. 2000) (citing *In re Dembiczkak*, 50 U.S.P.Q.2d 1614, 1618 (Fed. Cir. 1999) (obviousness rejections reversed where no findings were made “concerning the identification of the relevant art”, the “level of ordinary skill in the art” or “the nature of the problem to be solved”))). It is respectfully submitted that there has been no such showings by the Office Actions to date or by the Advisory Action.

In fact, the present lack of any of the required factual findings forces both Appellants and this Board to resort to unwarranted speculation to ascertain exactly what facts underly the present obviousness rejections. The law mandates that the allocation of the proof burdens requires that the Patent Office provide the factual basis for rejecting a patent application under 35 U.S.C. § 103. (See In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 U.S.P.Q. 173, 177 (C.C.P.A. 1967))). In short, the Examiner bears the initial burden of presenting a proper prima facie unpatentability case — which has not been met in the present case. (See In re Oetiker, 977 F.2d 1443, 1445, 24, U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992)).

Accordingly, claim 14 is allowable for the foregoing reasons, as are its dependent claims 15 to 18, 21 and 24 to 28.

Claim 29 includes features like those of claim 14, and is therefore allowable for the same reasons as claim 14.

It is therefore respectfully requested that the obviousness rejections be withdrawn, since claims 14 to 18, 21, and 24 to 29 are allowable.

B. Claims 14 to 19, 21 and 29

**The Rejections Under 35 U.S.C. § 103(a) That
Claims 14 to 19, 21 and 29 Are Obvious
Over “Bachman” in view of “Yajima” and “Harada”**

Claims 14 to 19, 21 and 29

The Office Actions to date essentially admit that the Bachman reference does not disclose a filler material being one of FeCr and FeCrNi. Moreover, the Bachman reference does not describe or even suggest the presence of any filler materials placed in a ceramic material, in which the filler material is one of FeCr and FeCrNi . Similarly, Bachman does not provide a method (as to claim 29) pertaining to these filler materials.

The secondary Yajima reference, as explained above, does not cure the critical defects of the Bachman reference, since it only refers to mixing ceramic materials with semi-inorganic block copolymers, for example oxides such as Al₂O, BeO, MgO, ZrO₂ or SiO₂, carbides, nitrides, borides and silicides.

The third-level Harada reference does not cure the critical defects of the Bachman and Yajima references. The Harada reference refers to metallic porous body comprised of an alloy having a defined strength and resistance to corrosion. The Harada reference refers to metallic (not ceramic) body as containing Fe and Cr and has a structure in which CR carbides or FeCr carbides are uniformly dispersed. The Harada reference does not disclose or suggest any relationship to a ceramic material as required in the presently claimed subject matter. It is also respectfully submitted that Harada refers to FeCr and FeCr alloys that make up the metallic porous body, and that it does not disclose or suggest FeCr or FeCr alloys used as a filler.

Accordingly, the Bachman, Yajima and Harada references simply do not disclose or suggest the presence of FeCr and FeCrNi, as provided for in the context of the claims. It is therefore respectfully requested that the rejection of claim 14 (and of claim 29, which includes features like those of claim 14) be reversed.

Accordingly, claim 14 is allowable for the foregoing reasons, as are its dependent claims 15 to 18, and 21.

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Claim 29 includes features like those of claim 14, and is therefore allowable for the same reasons as claim 14.

It is therefore respectfully requested that the obviousness rejections be withdrawn, since claims 14 to 18, 21, and 29 are allowable.

Accordingly, claims 14 to 19, 21, and 24 to 29 are allowable.

CONCLUSION

In view of the above, it is respectfully requested that the rejections of the finally rejected claims 14 to 19, 21 and 24 to 29 be reversed, and that these claims be allowed as presented.

Dated: 8/26/2005

Respectfully submitted,

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[10191/2217]

CLAIMS APPENDIX

1-13. (Canceled).

14. (Previously Presented) A thermoelectric component, comprising:

a first element; and

a second element;

wherein the first element and the second element are in contact with each other in an area of at least one contact point; and

wherein at least in one vicinity of the contact point, at least one of the first element and the second element includes a ceramic material, wherein at least in one vicinity of the contact point, the ceramic material includes a filler of one of FeCr and FeCrNi.

15. (Previously Presented) The thermoelectric component according to claim 14, wherein the thermoelectric component includes a thermocouple.

16. (Previously Presented) The thermoelectric component according to claim 14, wherein in at least one vicinity of the contact point, a material of the first element and a material of the second element are configured so that at the contact point one of a contact voltage occurs in accordance with a Seebeck effect and a temperature change occurs in response to an impressed external electric current in accordance with a Peltier effect.

17. (Previously Presented) The thermoelectric component according to claim 16, wherein the first element and the second element electrically interconnect with one of a device configured to measure the contact voltage and a device configured to impress an external electric current flowing through the contact point.

18. (Previously Presented) The thermoelectric component according to claim 14, wherein at least in one vicinity of the contact point, the first element includes a first ceramic material and the second element includes a second ceramic material different from the first ceramic material.

19. (Previously Presented) The thermoelectric component according to claim 14, wherein at least in one vicinity of the contact point, the first element includes a first ceramic material and the second element includes a solderable metal.

20. (Canceled).

21. (Previously Presented) The thermoelectric component according to claim 14, wherein the filler material includes at least one of a filler material having an at least approximately metallic conductivity, an electrically semiconductive filler material and an insulating filler material.

22. (Canceled).

23. (Canceled).

24. (Previously Presented) The thermoelectric component according to claim 18, wherein at least one of the first ceramic material and the second ceramic material includes obtained by pyrolysis of one of a polymeric precursor material and a polymeric precursor material that includes at least one filler material.

25. (Previously Presented) The thermoelectric component according to claim 18, wherein at least one of the first ceramic material and the second ceramic material includes a ceramic material based on one of Si-C compounds, Si-C-N compounds, Si-Ti-C-O compounds, Si-C-O compounds, Si-B-C-N compounds, Si-B-C-O compounds, B-C-N compounds, Si-Al-C-O compounds, Si-Al-N-C-O compounds and Si-C-O-N compounds.

26. (Previously Presented) The thermoelectric component according to claim 14, wherein a material of the first element and a material of the second element have an at least approximately equal thermal coefficient of expansion at least in the vicinity of the contact point.

27. (Previously Presented) The thermoelectric component according to claim 18, wherein the first ceramic material is obtained by pyrolysis of one of a first polymeric precursor material and a first polymeric precursor material that includes a first filler material

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and the second ceramic material is obtained by pyrolysis of one of a second polymeric precursor material and a second polymeric precursor material that includes a second filler material.

28. (Previously Presented) The thermoelectric component according to claim 27, wherein the first polymeric precursor material and the second polymeric precursor material are configured so that, in response to pyrolysis of the precursor materials, an at least approximately equal shrinkage occurs at least in the vicinity of the contact point.

29. (Previously Presented) A method, comprising the steps of:

providing a thermoelectric component, the thermoelectric component including a first element and a second element, the first element and the second element arranged in contact with each other in an area of at least one contact point, at least in one vicinity of the contact point, at least one of the first element and the second element including a ceramic material, wherein the ceramic material includes a filler of one of FeCr and FeCrNi; and

arranging the thermoelectric component in one of a thermocouple configured to one of measure temperature and a Peltier element as one of a thermoelectric heating element and a cooling element.

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EVIDENCE APPENDIX

Appellants have not submitted any evidence pursuant to 37 CFR Sections 1.130, 1.131 or 1.132, and do not rely upon evidence entered by the Examiner.

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RELATED PROCEEDINGS INDEX

There are no interferences or other appeals related to the present application.